

Readopt with amendment Ins 1402.04 (c), effective 01-03-05 (Document #8241), as amended effective 07-01-04 (Document #8032), to read as follows:

Readopt with amendment Ins 1405.12, effective 07-01-04 (Document #8032), to read as follows:

Ins 1402.04 Movement/Placement of a Policy in the Voluntary Market.

(c) A member of a group of affiliated companies may refuse to write, cancel or refuse to renew a particular policy consistent with filed underwriting guidelines, provided the member immediately offers **[to arrange insurance] a replacement policy with policy terms and premiums** for the applicant or insured with another member of the same group.

Ins 1405.12 Safe Driver Incentive Plan and SDIP Points for the New Hampshire Automobile Reinsurance Facility.

(d) SDIP points for chargeable accidents shall be assigned for chargeable accidents that occurred during the experience period, involving the applicant or any other operator of the vehicle, currently a resident of the same household as follows:

(1) For each automobile accident resulting in the following one point shall be assigned:

- a. Excess of \$750 in bodily injury, but less than \$7,500 in bodily injury; or
- b. In excess of \$1,500 damage but less than \$15,000 in damage to any property including his own;

(2) For each automobile accident resulting in the following 2 points shall be assigned:

- a. Death of any person;
- b. \$7,500 or more bodily injury to any person; or
- c. \$15,000 or more in damage to any property including one's own; and

(3) For each SDIP chargeable automobile accident in excess of 2 chargeable accidents occurring within the experience period 3 points shall be assigned.

(4) No point(s) shall be assigned for an accident if the insured demonstrates that the accident occurred under the following circumstances:

- a. The automobile was lawfully parked. An automobile rolling from a parked position shall be considered unlawfully parked under the operation of the last operator;
- b. The applicant or other operator residing in the same household, or owner, was reimbursed by, or on behalf of, a person responsible for the accident, or has a judgment against such person;

c. The automobile of an applicant or other operator resident in the same household, was struck in rear by another vehicle, and the applicant or other resident, operator has not been convicted of a moving traffic violation in connection with the accident;

d. The operator of the other automobile involved in such accident was convicted of a moving traffic violation and the applicant or other resident in the same household was not convicted of a moving traffic violation in connection therewith;

e. The automobile operated by applicant or other operator resident in the same household is damaged as a result of contact with a "hit and run" driver, and the applicant or other operator so reports the accident to the proper authority within 24 hours;

f. Accidents involving damage by contact with animals;

g. Accidents involving physical damage, limited to and caused by flying gravel, missiles, or falling objects;

h. Accidents occurring as a result of the operation of an automobile in response to an emergency if the operator at the time of the accident was responding to a call to duty as a paid or volunteer member of any police or fire department, first aid squad or of any law enforcement agency, but not an accident occurring after the emergency situation ceases or after the private passenger automobile ceases to be used in response to such emergency;

i. An automobile accident involving only bodily injury or property damage to the applicant or any other operator of the automobile currently a resident in the same household, unless the said applicant or operator is convicted of a moving traffic violation in connection with the occurrence;

(5) If the principal operator of the automobile has no surcharge for an accident, but has been licensed less than 2 years, one point shall be assigned;

(6) Conviction points shall be assigned in addition to any points for accidents; **and**

[(7) If points are applicable under more than one provision of this subparagraph, points shall be based on the provision which develops the greatest amount of points;]

[(8) (7) Accident surcharge points shall only be based on paid [or incurred] losses . [as filed with the department; and

(9) Accident points shall be assigned in addition to any points assigned for convictions.]